

(16)
No. 91-810-CFX
Status: GRANTED

Title: City of Burlington, Petitioner
v.
Ernest Dague, Sr., et al.

Docketed:
November 18, 1991

Court: United States Court of Appeals
for the Second Circuit

Counsel for petitioner: Clapp, Michael B.

Counsel for respondent: Pearson, William W.

Ptn mailed Nov. 18 and recd Nov. 19, 1991

| Entry | Date | Note | Proceedings and Orders |
|-------|-------------|------|---|
| 1 | Nov 18 1991 | G | Petition for writ of certiorari filed. |
| 2 | Nov 18 1991 | | Appendix of petitioner filed. |
| 3 | Dec 19 1991 | | Brief of respondent Ernest Dague, et al. in opposition filed. |
| 4 | Dec 31 1991 | | DISTRIBUTED. January 17, 1992 |
| 6 | Jan 21 1992 | | REDISTRIBUTED. January 24, 1992 |
| 7 | Jan 27 1992 | | Petition GRANTED. limited to the following question: May a court, in determining a reasonable attorney's fee award under Section 7002 of the Solid Waste Disposal Act, 42 U.S.C. Section 6972(e), or Section 505 of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. Section 1365(d), enhance the fee award above the lodestar amount in order to reflect the fact that the attorneys had taken the case on a contingent-fee basis, thus assuming the risk of receiving no attorney's fees at all? ***** |
| 8 | Feb 7 1992 | | Record filed. |
| | | * | Partial proceedings and briefs U.S. Court of Appeals, Second Circuit (1 BOX) |
| 9 | Feb 18 1992 | | Record filed. |
| | | * | Original record U.S. District Court, District of Vermont (1 Box) |
| 10 | Mar 4 1992 | | SET FOR ARGUMENT TUESDAY, APRIL 21, 1992. (3RD CASE). |
| 14 | Mar 10 1992 | | Brief amici curiae of District of Columbia, et al. filed. |
| 11 | Mar 12 1992 | | Brief amicus curiae of United States filed. |
| 12 | Mar 12 1992 | | Brief amici curiae of Washington Legal Foundation, et al. filed. |
| 13 | Mar 12 1992 | | Brief of petitioner Burlington filed. |
| 15 | Mar 18 1992 | | CIRCULATED. |
| 16 | Mar 26 1992 | G | Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed. |
| 17 | Mar 27 1992 | D | Motion of respondents for divided argument to permit American Bar Association to participate in oral argument as amicus curiae filed. |
| 18 | Apr 6 1992 | | Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED. |
| 19 | Apr 6 1992 | | Motion of respondents for divided argument to permit |

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| | | | American Bar Association to participate in oral argument as amicus curiae DENIED. |
| 20 | Apr 13 1992 | | LODGING by respondents. |
| 21 | Apr 13 1992 | X | Brief amici curiae of Lawyers Committee for Civil Rights Under Law, et al. filed. |
| 22 | Apr 13 1992 | X | Brief amicus curiae of American Bar Association filed. |
| 23 | Apr 13 1992 | X | Brief of respondents Dague, Ernest, et al. filed. |
| 24 | Apr 13 1992 | X | Brief amici curiae of Alabama Employment Lawyers Association, et al. filed. |
| 25 | Apr 17 1992 | X | Reply brief of petitioner Burlington filed. |
| 26 | Apr 21 1992 | | ARGUED. |